

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:18-cr-00017-FDW-DCK

UNITED STATES OF AMERICA, )  
 )  
vs. )  
 )  
RUSSELL THOMAS MELILLO, ) ORDER  
 )  
Defendant. )  
\_\_\_\_\_ )

THIS MATTER is before the Court on Defendant's pro se Motion for Compassionate Release and pro se Motion to Appoint Counsel (Doc. No. 40).

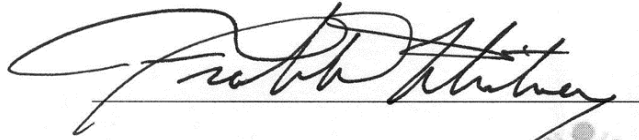
With respect to Defendant's Motion for Compassionate Release, the Court hereby ORDERS the Government to respond to Defendant's motion. The Government shall have **sixty (60) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required. The Court will DEFER ruling on the Motion for Compassionate Release until the Government has filed its Response.

With respect to Defendant's Motion to Appoint Counsel, criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion to Appoint Counsel is therefore DENIED.

Accordingly, Defendant's Motion for Compassionate Release and Motion to Appoint Counsel (Doc. No. 40) is DEFERRED IN PART and DENIED IN PART.

IT IS SO ORDERED.

Signed: May 28, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

